

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34200 of 2023

Arising Out of PS. Case No.-739 Year-2022 Thana- LAHERIYASARAI District- Darbhanga

GANESH MAHTO son of Late Bhola Mahto Mohalla- Belwaganj Ps- Laheri
Sarai Dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vagisha Pragya Vacaknavi, Advocate

For the Opposite Party/s : Mr.Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 26-07-2023 Heard the parties.

The petitioner apprehends his arrest in connection with Laheriasarai P.S. Case No. 739 of 2022 for the offence punishable under Sections 147, 1498, 448, 341, 323, 307, 379, 504, 506 of the I.P.C. and under section 27 of Arms Act lodged on 25.12.2022 by the informant Kishan Kumar

As per the prosecution story, the accused persons assaulted the family members and allegation against the petitioner is of assaulting both informant and his father causing head injury.

As per the learned counsel for the petitioner, there is simple abrasion due to the said assault and further a bare perusal of the FIR would show that there has been false implication against entire family members and it is an exaggerated FIR.



Learned APP opposes the prayer stating that there is an allegation of assault.

Considering the fact that the injury has been found to be a kind of abrasion, the petitioner do not have criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

Let the petitioner, in the event of his arrest or surrender within a period of four weeks from the date of the receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned I/C CJM, Laheriasari, Darbhanga, in connection with Laheriasari P.S. Case No. 739 of 2022 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Jagdish/Jyoti/-

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